

Message Text

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SUBJECT: NEW LAW PROVIDES STIFFER PENALTIES FOR STRIKES, LOCK-OUTS
AND OTHER TYPES OF INDUSTRIAL CONFLICT

REF: BUENOS AIRES 5856

1. A NEW LAW (NO. 21,400) WAS PUBLISHED SEPTEMBER 8 AUTHORIZING, DURING PERIODS OF EMERGENCY OR STATE OF SIEGE, THE SUSPENSION OF THE RIGHT TO STRIKE AS WELL AS THE COMMISSION OF OTHER "DIRECT ACTS" PREJUDICIAL TO PRODUCTION--WHETHER ON THE PART OF WORKERS, EMPLOYERS OR OTHER INSTIGATORS. EMPLOYERS ARE SPECIFICALLY PROHIBITED FROM ENGAGING IN LOCK-OUTS OR OTHER ACTIONS AIMED AT CREATING INDUSTRIAL CONFLICTS DURING SUCH PERIODS. WORKERS ARE PROHIBITED FROM ENGAGING IN ANY STRIKES, INTERRUPTIONS OR REDUCTIONS IN THE NORMAL RATE OF WORK. (ARGENTINA HAS BEEN IN A STATE OF SIEGE SINCE NOVEMBER 6, 1974, AND REPORTEDLY THE PENALTIES IMPOSED BY THE NEW LAW WILL BECOME EFFECTIVE WITHIN A FEW DAYS.)

2. WHILE THE RIGHT TO STRIKE AND OTHER "DIRECT" ACTS WERE ALREADY SUSPENDED UNDER THE TERMS OF LAW 21,261, ISSUED SHORTLY AFTER THE COMING TO POWER OF THE CURRENT GOVERNMENT IN MARCH 1976, THE NEW LAW ARTICULATES THE PROSCRIBED ACTS MORE CLEARLY AND PROVIDES STIFFER PENALTIES FOR TRANSGRESSORS, INCLUDING JAIL SENTENCES. PROVIDED THAT MORE SERIOUS OFFENSES HAVE NOT BEEN COMMITTED UNDER OTHER EXISTING LAWS (FOR EXAMPLE, LAW NO. 20,840 REGARDING SECURITY AND ANTISUBVERSION),
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EMPLOYERS VIOLATING THE NEW LAW ARE SUBJECT TO PRISON TERMS

RANGING FROM ONE TO SIX YEARS, DEPENDING ON THE NATURE OF THE ACTION, PLUS FINES. WORKERS ARE ALSO SUBJECT TO PRISON TERMS OF FROM ONE TO SIX YEARS, PLUS LOSS OF PAY FOR TIME OR PRODUCTION LOST AND DISMISSAL FROM EMPLOYMENT WITHOUT PAYMENT OF INDEMNITY. THOSE WHO INSTIGATE EMPLOYERS OR WORKERS TO VIOLATE THE LAW CAN BE SUBJECT TO EVEN STIFFER JAIL SENTENCES.

3. THE MINISTER OF LABOR'S ANNOTATION ACCOMPANYING THE NEW LAW STATES THAT IT WAS DESIGNED TO MEET THE "IMPERATIVE NEED" FOR A LEGAL INSTRUMENT CAPABLE OF "CONFRONTING SITUATIONS OF GRAVE EXTREMITY WHICH COMPROMISE THE SECURITY OF THE STATE AND...IN ORDER TO OVERCOME THE CRITICAL SITUATION WHICH FACES THE COUNTRY."

4. APPEARING, AS IT HAS, IN THE MIDST OF A STRIKE WAVE IN THE AUTO INDUSTRY OVER HIGHER WAGES (REFTEL), THE LAW HAS BEEN INTERPRETED IN THE PRESS AS BEING AIMED PRIMARILY AT THE WORKERS AND AS CONSTITUTING THE GOVERNMENT'S RESPONSE TO THE FIRST SIGNIFICANT LABOR TROUBLE IN ARGENTINA SINCE THE MARCH GOLPE.
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